IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10301 of 2007
With
SPECIAL CIVIL APPLICATION No. 10303 of 2007
With
SPECIAL CIVIL APPLICATION No. 10304 of 2007
With
SPECIAL CIVIL APPLICATION No. 10350 of 2007
With
SPECIAL CIVIL APPLICATION No. 10494 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

==========

VIRENDRAKUMAR CHANDRAKANT PATEL - Petitioner(s)
Versus
DY. COLLECTOR & 1 - Respondent(s)

==========

Appearance :
MR GM AMIN for Petitioner(s) : 1,
MS MD MEHTA AGP with MR SUNIT SHAH GP for Respondent(s) : 1-2

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 25/07/2007

ORAL JUDGMENT :

1. Rule. Learned A.G.P. Ms.M.D.Mehta waives service for the respondents.

2. The petitioners have, in this group of petitions, made a common grievance that the references sought by them under the provisions of section 32-B of the Bombay Stamp Act, 1952 (for short, "the Act") upon being aggrieved by the determination of market value of property, which was the subject-matter of conveyance, were dismissed after almost three years only on the ground of limitation without affording to the petitioners an opportunity of being heard, without entering into merits and without application of mind. It was pointed out by learned counsel Mr.Amin that the petitioners had applied for reduction in the requisite amount of deposit in accordance with the proviso to sub-section (1) of section 32-B and in fact facility of not making the full deposit was extended to the petitioner by order of the Chief Controlling Revenue Authority and yet, even after depositing the requisite amount, the so-called appeals under the provisions of section 32-B of the Act were not entertained on merits, as aforesaid.

3. It was fairly conceded by learned A.G.P. that, after deposit by the petitioners in accordance with the order of the authority, the petitioners were required to be afforded an opportunity of being heard and the reference was required to be made and disposed on merits in accordance with law. Therefore, by consent, petitions are partly allowed so as to quash the impugned orders rejecting the appeal applications of the petitioners and the Chief Controlling Revenue Authority is directed to hear and decide the appeal applications of the petitioners after affording to the petitioners an opportunity of being heard in accordance with law, as expeditiously as practicable, in view of the delay caused in the intervening period. Rule is made absolute accordingly with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)